

Castel, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE ARBITRATION  
BETWEEN

JOLEN, INC.

Petitioner,

and

KUNDAN RICE MILLS, LTD. AND  
KUNDAN CARE PRODUCTS, LTD.

Respondents.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/25/19

Case No. 1:19-cv-01296-PKC

**ORDER TO SHOW CAUSE AND  
TEMPORARY RESTRAINING ORDER**

PKC

P. KEVIN CASTEL, U.S.D.J.:

Upon the Memorandum of Law in Support of Petitioner Jolen, Inc.'s Motion for an Anti-Suit Injunction, the Declaration of Jeremy E. Deutsch, dated March 20, 2019, and upon all pleadings and proceedings heretofore had herein, it is hereby:

ORDERED that Respondents show cause before this Court on April 3, 2019 at 2:00 P.M. ~~10:00 a.m.~~, in Courtroom 11D of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007, why an order should not be made and entered herein, pursuant to Rule 65 of the Federal Rules of Civil Procedure:

- (a) compelling Respondents to dismiss, or to cause to be dismissed, the proceedings entitled *Kundan Rice Mills Ltd. and Another v. Jolen Inc.*, CIS No. 601 of 2016 (the "Indian Vacatur Action"), now pending in the High Court of Punjab and Haryana at Chandigarh, India;
- (b) enjoining Respondents, together with their officers, agents, servants, employees and attorneys, and all other persons who are in active concert or participation with Respondents or any of their officers, agents, servants, employees or attorneys, from commencing or prosecuting any action or proceeding in India that seeks to prevent the prosecution of this action, entitled *Jolen, Inc. v. Kundan Rice Mills, Ltd. and Kundan Care Products, Ltd.*, No. 1:19-cv-01296-PKC (S.D.N.Y.);

- (c) enjoining Respondents, together with their officers, agents, servants, employees and attorneys, and all other persons who are in active concert or participation with Respondents or any of their officers, agents, servants, employees or attorneys, from commencing or prosecuting any action or proceeding in the courts of the Republic of India that seeks to enjoin, annul, vacate, modify or otherwise affect the enforcement of the Partial Final Arbitration Award dated July 13, 2018 in the arbitration entitled *Jolen, Inc. v. Kundan Rice Mills, Ltd., et al.*, ICC Case No. 21848/RD/MK (the "Award"), in any jurisdiction other than the Republic of India, or enforcing or attempting to enforce (by way of contempt or otherwise) any such order entered in any such action;
- (d) granting Petitioner its costs and disbursements of this proceeding, including its reasonable attorneys' fees; and
- (e) awarding such other relief as the Court deems just and proper; and

~~IT IS FURTHER ORDERED that, good and sufficient cause having been shown,~~

Respondents, together with their officers, agents, servants, employees and attorneys, and all other persons in active concert with them who receive actual notice of this order, are hereby RESTRAINED AND ENJOINED pending the hearing and determination of this motion from:

- (a) further prosecuting the Indian Vacatur Action, now pending in the High Court of Punjab and Haryana at Chandigarh, India, or enforcing (by way of contempt or otherwise) any order entered in such action; or
- (b) commencing or prosecuting any action or proceeding in India that seeks to enjoin, delay or prevent the prosecution of this action;
- (c) commencing any other action or proceeding in the courts of the Republic of India, arising out of, or affecting, in any manner whatsoever, the Award or that affects, or purports to affect, in any manner whatsoever, the validity or enforceability of the Award in any jurisdiction other than the Republic of India.

~~Security in the amount of \$ — will be posted by —~~  
~~IT IS FURTHER ORDERED that Petitioner will not be required to post a bond,~~

and—

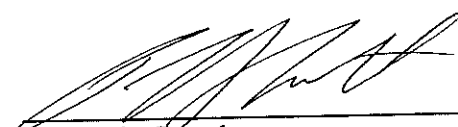
IT IS FURTHER ORDERED that opposition papers, if any, be served on Petitioner's attorneys and on the Court so as to be received by them on or before noon on April 1, 2019 by 5 P.M. filed on ECF with

\_\_\_\_\_ ; and

PKC IT IS FURTHER ORDERED that reply papers, if any, be served on Respondents  
or their attorneys and on the Court so as to be received by them on or before <sup>10:00 am</sup> ~~5:00 p.m.~~ on April 3, 2019  
\_\_\_\_; and

PKC IT IS FURTHER ORDERED that service of this order by email on or before noon  
on March 26, 2019, together with a copy of the papers on which it is based, on: (a) Respondents' counsel  
of record in the arbitration entitled *Jolen, Inc. v. Kundan Rice Mills, Ltd., et al.*, ICC Case No.  
21848/RD/MK, and; (b) Respondents' counsel in the Indian Vacatur Action, Mr. Prithu Garg,  
shall constitute good and sufficient service of (a) this Order, and (b) the papers upon which it is  
based.

PKC (5:16 PM on March 25, 2019)  
GRANTED at                      at New York, New York.  
SO ORDERED.

  
P. Kevin Castel  
United States District Judge

PKC File all motion papers on ECF by the close of  
business on March 26, 2019